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State of California—Health and Human Services Agency
California Department of Public Health

Northern California Drinking Water Field Operations Branch
Monterey District



EDMUND G. BROWN JR.
Governor

February 06, 2014

Mr. Tom Gibbons, Manager
Enza Zaden Research
525 Lucy Brown Lane
San Juan Bautista, CA 95045

Attention Mr. Gibbons:

CITATION NO. 02-05-14C-003-3500927-22
TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION FOR DECEMBER 2013 AND
BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION FOR JANUARY 2014
ENZA ZADEN RESEARCH – WATER SYSTEM NO. 3500927

Enclosed is a Citation issued to the Enza Zaden Research water system. The Citation is being issued because the Enza Zaden Research water system has failed to comply with the total coliform maximum contaminant level as specified in Section 64426.1(b)(2), Chapter 15, Title 22, of the California Code of Regulations (CCR) during the month of December 2013. The water system also failed to comply with bacteriological monitoring and reporting requirements as specified in Section 64424(d), Chapter 15, Title 22, CCR, during the month of January 2014.

The Citation consists of five sections: Violation, Background, Notification Requirements, Directives and Further Enforcement Actions. The Violation and Background sections describe the events leading up to the issuance of the Citation. The Notification Requirements section specifies what, when, and to whom notifications are required. The Directives section specifies required actions that must be implemented by the water system to return to compliance. The Further Enforcement Actions section describes penalties to be assessed for failure to comply with the Citation. No civil penalty is levied with the attached Citation.

Your water system will be billed at the Department's hourly rate for the time spent on issuing this Citation since this is an enforcement action for noncompliance with state regulations. If you have any questions regarding this matter, please contact Shaminder Kler of my staff at (831) 655-6938 or me at (831) 655-6934.

Sincerely,

Jan R. Sweigert, P.E.
District Engineer, Monterey District
DRINKING WATER FIELD OPERATIONS BRANCH

Enclosures

CERTIFIED MAIL NO. 7008-1830-0004-5435-4750

cc (w/enclosures): San Benito County Environmental Health Department

STATE OF CALIFORNIA

DEPARTMENT OF PUBLIC HEALTH

Date of Issuance: February 06, 2014

RE: Enza Zaden Research
Water System No. 3500927

TO: Mr. Tom Gibbons, Manger
Enza Zaden Research
525 Lucy Brown Lane
San Juan Bautista, CA 95045

CITATION FOR NONCOMPLIANCE

TOTAL COLIFORM MAXIMUM CONTAMINANT LEVEL VIOLATION

DECEMBER 2013

AND

BACTERIOLOGICAL MONITORING AND REPORTING VIOLATION

JANUARY 2014

Chapter 4, Article 9, Section 116650 of the California Health and Safety Code (H&S Code) authorizes the issuance of a Citation for failure to comply with this Chapter (California Safe Drinking Water Act) or any regulation, standard, permit, or order issued or adopted thereunder.



Violations

The California Department of Public Health, Drinking Water Field Operations Branch, (hereinafter "Department") hereby issues a Citation to the Enza Zaden Research water system (hereinafter "Enza Zaden") for the following violations:

1. Violation of the total coliform maximum contaminant level (MCL) for compliance with the Total Coliform Rule (TCR) pursuant to Section 64426.1(b)(2), Chapter 15, Title 22, of the California Code of Regulations (CCR).

Section 64426.1(b)(2) specifies that a water supplier collecting fewer than 40 samples per month is in violation of the total coliform MCL when more than one sample collected during any month is total coliform positive.

During December 2013, the Enza Zaden water system had four out of seven routine and repeat distribution samples that tested positive for total coliform and negative for *E. coli*. This constitutes a violation of the total coliform MCL for the Enza Zaden water system for the month of December 2013.

2. Violation of bacteriological monitoring and reporting requirements pursuant to Section 64424(d), Chapter 15, Title 22, CCR. Section 64424(d) specifies that if a public water system for which fewer than five routine samples per month are collected has one or more total



1 coliform-positive samples, the water supplier shall collect at least five
2 routine samples the following month.

3
4 The Enza Zaden water system collected four out of five required
5 routine samples from the distribution system during January 2014.
6 Failure to collect the correct number of routine distribution samples for
7 coliform analysis testing constitutes a bacteriological monitoring and
8 reporting violation for the Enza Zaden water system for the month of
9 January 2014.

10
11 **Background**

12
13 The Enza Zaden water system is classified as a non-community, non-transient
14 water system, which serves a population of approximately 65 persons through 15
15 service connections. The water system has one groundwater source designated
16 as Well 02 (Primary Station Code: 3500927-002). The Enza Zaden water system
17 is required to collect one bacteriological sample from the distribution system per
18 month for compliance with the TCR. The Groundwater Rule (GWR) requires
19 sampling from active raw water sources in addition to repeat distribution
20 bacteriological samples, within 24 hours of notification, following any total
21 coliform-positive result from the distribution system.

22
23 On December 11, 2013, the Enza Zaden water system collected one routine
24 bacteriological sample from the distribution system for compliance with the TCR
25 for the month of December 2013. This routine distribution sample tested positive
26 for total coliform and negative for *E. coli*. In response, on December 13, 2013,
27 the Enza Zaden water system collected three repeat distribution bacteriological



1 samples and one raw water sample from the active source, Well 02. The three
2 repeat distribution samples tested positive for total coliform and negative for *E.*
3 *coli* and the raw water sample from Well 02 tested free of coliform bacteria. On
4 December 17, 2013, the Enza Zaden water system collected a second round of
5 distribution and raw water bacteriological samples. All samples collected on
6 December 17, 2013 tested free of coliform bacteria. The four bacteriological
7 samples from the distribution system that tested positive for total coliform
8 resulted in violation of the total coliform MCL for the compliance period of
9 December 2013.

10
11 On December 16, 2013, Mr. Russ Hatch, Water System Manager for the Enza
12 Zaden water system, notified the Department that the system had exceeded the
13 TCR MCL for December 2013. Mr. Hatch stated that there was the potential that
14 a water system storage tank is oversized for use, causing the water to sit for too
15 long a period of time. Therefore, Mr. Hatch intended on flushing the water lines
16 and would sample the tank to determine the chlorine residual level. To date, the
17 bacteriological analysis result with chlorine residual level from sampling at the
18 storage tank has not been received by the Department.

19
20 During January 2014, the Enza Zaden water system was required to collect five
21 routine distribution samples for the month following a total coliform positive
22 sample result. Sample labeled as Well 02" is not credited as one of the five
23 required samples as raw water source samples are not applicable towards
24 compliance with TCR monitoring requirements. Failure to collect five routine
25 distribution samples during the month following a total coliform positive sample
26 resulted in violation of Section 64424(d) for the month of January 2014.

27



Notification Requirements

Section 64426.1(c), Chapter 15, Title 22, CCR requires a public water system to notify the Department and its consumers when a violation of the total coliform MCL occurs. Notification to the Department shall be by the end of the business day on which the violation has been determined. If the Department is closed, notification shall be within 24 hours of the determination. **The Department was notified in accordance with the above-referenced section by Mr. Russ Hatch, Water System Manager for the Enza Zaden water system, on December 16, 2013, that the system had exceeded the total coliform MCL for the month of December 2013.**

Directives

The Enza Zaden water system is hereby directed to take the following actions:

1. Immediately cease and desist from failing to comply with Sections 64426.1(b)(2) and 64424(d), Chapter 15, Title 22, CCR.
2. Conduct public notification of the bacteriological water quality monitoring and MCL violations in conformance with Section 64463.4, Chapter 15, Title 22, CCR. The notification shall be completed in accordance with the following:
 - Posting of the Public Notification in conspicuous places within the area served by the water system within thirty (30) days of receipt of this



1 Citation. The Public Notification shall remain posted for a minimum of
2 seven (7) consecutive days.

- 3
- 4 • By one of the following secondary methods to reach persons not likely
5 to be reached by posting;

6

- 7 ➤ By publication in a local newspaper or newsletter distributed to
8 customers or by internet posting of the notice or by direct delivery
9 to each customer served by the Enza Zaden water system. Notice
10 by secondary method shall be conducted within thirty (30) days of
11 receipt of this Citation. If the water system opts to issue the notice
12 via internet website, the public notice shall remain posted for a
13 minimum of seven (7) days. The Enza Zaden water system must
14 determine which option will be used to conduct the secondary
15 distribution of the notice and notify the Department of their decision
16 no later than **February 28, 2014**.

- 17
- 18 3. Submit the Public Notification required by Directive No. 2 of this Citation to
19 the Department for approval prior to distribution. A sample notice is
20 enclosed (Attachment A) that may be used to fulfill the notification
21 requirement. **The Enza Zaden water system must edit the wording of**
22 **the sample notification as necessary.**

- 23
- 24 4. Proof of Notification must be provided to the Department by submitting
25 copies of the notice posted and distributed to the customers with the
26 completed Proof of Notification form (Attachment B), to the Department
27 **within ten (10) days following issuance of the Public Notification.**



- 1 5. By **February 28, 2014**, the Enza Zaden water system shall submit the
2 bacteriological analysis result for sampling conducted during the month of
3 January 2014, from the system's water storage tank.
- 4
- 5 6. During the month of February 2014, the water system shall collect one
6 additional sample within the distribution system, at a sample location other
7 than the normally scheduled monthly distribution site. Therefore, analyses
8 results from coliform sampling conducted during February 2014 from two
9 distribution sample sites shall be reported to the Department no later than
10 **March 10, 2014**.
- 11
- 12 7. The Enza Zaden water system shall collect five routine samples the month
13 following any total coliform positive sampling result in accordance with the
14 Department approved BSSP. Analytical results of all required samples
15 shall be reported to the Department no later than the tenth day of the
16 following month.
- 17
- 18 8. By February 28, 2014, submit a system map or schematic to coincide with
19 the water system's BSSP. Ensure that the map or schematic shows the
20 locations of all routine and repeat distribution sample sites, water sources,
21 and water storage tanks. Complete & submit the map or schematic no
22 later than **March 10, 2014**.

23 All responses to the directives contained in this Citation shall be submitted to:

24 Jan R. Sweigert, P.E.
25 District Engineer, Monterey District
26 California Department of Public Health
27 Drinking Water Field Operations Branch
 1 Lower Ragsdale, Building 1, Suite 120
 Monterey, CA 93940

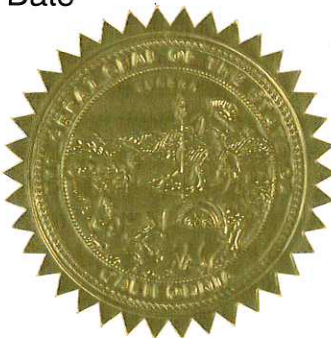


Further Enforcement Actions

Division 104, Part 12, Chapter 4, (commencing with section 116270) of the California Health and Safety Code authorizes the Department to: issue additional citations with assessment of penalties if a public water system continues to fail to correct a violation identified in a citation; take action to suspend or revoke a permit that has been issued to a public water system if the system has violated applicable law or regulations or has failed to comply with orders of the Department; and petition the superior court to take various enforcement measures against a public water system that has failed to comply with orders of the Department. By issuance of this Citation, the Department does not waive any right to take additional or alternative enforcement action against the System including, but not limited to, assessment of penalties as authorized by law.

Failure to comply with any provision or directive of this Citation may result in the Department imposing penalties.

2/6/2014
Date



Jan R. Sweigert, P.E.
District Engineer, Monterey District
DRINKING WATER FIELD OPERATION BRANCH

Enclosures: Attachment A: Public Notification Sample
Attachment B: Proof of Notification Form

CERTIFIED MAIL NO. 7008-1830-0004-5435-4750



Instructions for Tier 2 Resolved Total Coliform Notice Template

Template Attached

Since exceeding the total coliform bacteria maximum contaminant level is a Tier 2 violation, you must provide public notice to persons served as soon as practical but within 30 days after you learn of the violation [California Code of Regulations, Title 22, Chapter 15, Section 64463.4(b)]. **Each water system required to give public notice must submit the notice to the Department for approval prior to distribution or posting, unless otherwise directed by the Department [64463(b)].**

Notification Methods

You must use the methods summarized in the table below to deliver the notice to consumers. If you mail, post, or hand deliver, print your notice on letterhead, if available.

<i>If You Are a...</i>	<i>You Must Notify Consumers by...</i>	<i>...and By One or More of the Following Methods to Reach Persons Not Likely to be Reached by the Previous Method...</i>
Community Water System [64463.4(c)(1)]	Mail or direct delivery ^(a)	Publication in a local newspaper
		Posting ^(b) in public places served by the water system or on the Internet
		Delivery to community organizations
Non-Community Water System [64463.4(c)(2)]	Posting in conspicuous locations throughout the area served by the water system ^(b)	Publication in a local newspaper or newsletter distributed to customers
		Email message to employees or students
		Posting ^(b) on the Internet or intranet
		Direct delivery to each customer

(a) Notice must be distributed to each customer receiving a bill including those that provide their drinking water to others (e.g., schools or school systems, apartment building owners, or large private employers), and other service connections to which water is delivered by the water system.

(b) Notice must be posted in place for as long as the violation or occurrence continues, but in no case less than seven days.

The notice attached is appropriate for the methods described above. However, you may wish to modify it before using it for posting. If you do, you must still include all the required elements and leave the health effects and notification language in italics unchanged. This language is mandatory [64465].

Multilingual Requirement

Spanish. Each public notice must contain information in Spanish regarding (1) the importance of the notice or (2) contain a telephone number or address where Spanish-speaking residents may contact the water system to obtain a translated copy of the public notice or assistance in Spanish.

Non-English Speaking Groups Other than Spanish-Speaking. For each group that exceeds 1,000 residents or 10% of the residents in the community served, whichever is less, the public notice must (1) contain information in the appropriate language(s) regarding the importance of the notice or (2) contain a telephone number or address where such residents may contact the water system to obtain a translated copy of the notice or assistance in the appropriate language.

Population Served

Make sure it is clear who is served by your water system -- you may need to list the areas you serve.

Description of the Violation

Make sure that the notice is clear about the fact that the coliform problem has been resolved, and there is no current cause for concern. The description of the violation and the MCL vary depending on the number of samples you take. The following table should help you complete the second paragraph of the template.

<u>If You Take Fewer Than 40 Samples a Month</u>	<u>If You Take 40 or More Samples a Month</u>
State the number of samples testing positive for coliform. The standard is that no more than one sample per month may be positive.	State the percentage of samples testing positive for coliform. The standard is that no more than 5.0 percent of samples may test positive each month.

Corrective Action

In your notice, describe corrective actions you have taken. Listed below are some steps commonly taken by water systems with total coliform violations. Use one or more of the following actions, if appropriate, or develop your own:

- "We have increased sampling for coliform bacteria to catch the problem early if it recurs."
- "The well and/or distribution system has been disinfected and additional samples do not show presence of coliform bacteria."

After Issuing the Notice

Send a copy of each type of notice and a certification that you have met all the public notice requirements to the Department within ten days after you issue the notice [64469(d)].

It is recommended that you notify health professionals in the area of the violation. People may call their doctors with questions about how the violation may affect their health, and the doctors should have the information they need to respond appropriately.

IMPORTANT INFORMATION ABOUT YOUR DRINKING WATER

Este informe contiene información muy importante sobre su agua potable.
Tradúzcalo o hable con alguien que lo entienda bien.

**Enza Zaden Research Had Levels of Coliform Bacteria
Above the Drinking Water Standard**

Our water system recently violated a drinking water standard. Although this is not an emergency, as our customers, you have a right to know what you should do, what happened, and what we did to correct this situation.

We routinely monitor for drinking water contaminants. The Enza Zaden Research water system collected a total of seven samples to test for the presence of coliform bacteria from the distribution system during December 2013. Four of our samples tested positive for total coliform bacteria and negative for *E. coli*. The standard is that no more than one sample per month may do so. In addition, during the month of January 2014, the water system was required to collect five samples from the distribution system for a month following a total coliform-positive sample result during December 2013. The water system collected one raw water sample from Well 02 and only four out of five required distribution samples. All samples collected during January 2014 tested free of coliform bacteria.

What should I do?

- **You do not need to boil your water or take other corrective actions.**
- This is not an emergency. If it had been, you would have been notified immediately. Total coliform bacteria are generally not harmful themselves. *Coliforms are bacteria which are naturally present in the environment and are used as an indicator that other, potentially-harmful, bacteria may be present. Coliforms were found in more samples than allowed and this was a warning of potential problems.*
- Usually, coliforms are a sign that there could be a problem with the system's treatment or distribution system (pipes). Whenever we detect coliform bacteria in any sample, we do follow-up testing to see if other bacteria of greater concern, such as fecal coliform or *E. coli*, are present. **We did not find any of these bacteria in our subsequent testing conducted on January 9, 2014.**
- People with severely compromised immune systems, infants, and some elderly may be at increased risk. These people should seek advice about drinking water from their health care providers. General guidelines on ways to lessen the risk of infection by microbes are available from U.S. EPA's Safe Drinking Water Hotline

at 1(800) 426-4791.

- If you have other health issues concerning the consumption of this water, you may wish to consult your doctor.

What happened? What was done?

[Describe corrective action].

For more information, please contact [name of contact] at [phone number] or [mailing address].

Please share this information with all the other people who drink this water, especially those who may not have received this notice directly (for example, people in apartments, nursing homes, schools, and businesses). You can do this by posting this public notice in a public place or distributing copies by hand or mail.

Secondary Notification Requirements

Upon receipt of notification from a person operating a public water system, the following notification must be given within 10 days [Health and Safety Code Section 116450(g)]:

- **SCHOOLS:** Must notify school employees, students, and parents (if the students are minors).
- **RESIDENTIAL RENTAL PROPERTY OWNERS OR MANAGERS** (including nursing homes and care facilities): Must notify tenants.
- **BUSINESS PROPERTY OWNERS, MANAGERS, OR OPERATORS:** Must notify employees of businesses located on the property.

This notice is being sent to you by the Enza Zaden Research water system.

State Water System ID#: 3500927

Date distributed: _____

System Representative Name & Title: _____

System Representative Signature: _____

PROOF OF NOTIFICATION**Citation No. 02-05-14C-003-3500927-22****Enza Zaden Research****System Number: 3500927****Certification**

As required by Section 116450 of the California Health and Safety Code, I notified the users of the water supplied by the Enza Zaden Research water system of the violation of Title 22, California Code of Regulations for the compliance periods of December 2013 and January 2014. I complied with the directives of this Citation as indicated below:

Required ActionDate Completed

Public Notification - Posting

Public Notification - List Secondary Method Used:

Proof of Notification

Signature of Water System Representative_____
Date***** Attach a copy of the notice posted and distributed. *******THIS FORM MUST BE COMPLETED AND RETURNED TO THE DEPARTMENT**

Disclosure: Be advised that Section 116725 and 116730 of the California Health and Safety Code states that any person who knowingly makes any false statement on any report or document submitted for the purpose of compliance with the attached order may be liable for a civil penalty not to exceed five thousand dollars (\$5,000) for each separate violation for each day that violation continues. In addition, the violators may be prosecuted in criminal court and upon conviction, be punished by a fine of not more than \$25,000 for each day of violation, or be imprisoned in county jail not to exceed one year, or by both the fine and imprisonment.